



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 31 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Lloyd Meyer  
President  
2255 South Lumber Street  
Chicago, Illinois 60616

Re: *In the Matter of: Ozinga, Chicago, Illinois*  
Docket No. EPA 5-15-113(a)-IL-11

Dear Mr. Meyer:

I have enclosed a signed Administrative Order (AO) for Ozinga under the Clean Air Act. Pursuant to Paragraphs 18 – 20 of the Order, Ozinga may request an informal conference and present to EPA relevant information, arguments, or comments. The effective date of the AO is specified in Paragraph 20.

If you have any questions on this matter, please do not hesitate to call Ms. Jennifer Wilson, P.E. of my staff, at (312)353-3115, or, with legal questions, Michael Berman, Associate Regional Counsel, at (312)886-7476.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", is written over a horizontal line.

Nathan A. Frank, P.E.  
Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Michael Berman, C-14J  
Jennifer Wilson, AE-17J  
Eric Jones, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Ozinga Ready Mix Concrete, Inc.**

Proceeding Under Sections 113(a)(3)  
and 114(a) of the Clean Air Act,  
42 U.S.C. §§ 7413(a)(3) and 7414(a)

)  
)  
) **ADMINISTRATIVE ORDER**

) **EPA-5-15-113(a)-IL-11**  
)  
)  
)

**Administrative Order**

1. The Director of the Air and Radiation Division U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Administrative Order (Order) to Ozinga Ready Mix Concrete, Inc. (Ozinga) under Sections 113(a)(3) and 114(a) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a).

**Statutory Authority**

2. The Administrator of EPA may require any person who owns or operates an emission source to, among other things, make reports ...; sample emissions and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

3. Under Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), whenever, on the basis of any information available to the Administrator of EPA, the Administrator finds that any person has violated, or is in violation of, *inter alia*, any requirement of Subchapter I of the Act (other than requirements enforceable under 42 U.S.C. § 7413(a)(1) and (2)), the Administrator may issue an order requiring such person to comply with such requirement or

prohibition. The Administrator has delegated this authority to the Director of the Air and Radiation Division of EPA Region 5.

### **Findings**

4. Ozinga owns and operates a concrete batch plant at 2255 South Lumber Street, Chicago, Illinois (Facility). The concrete batch plant uses sand, gravel, cement, fly ash, and other materials and chemicals to make concrete. Some of the materials create particulate matter emissions.

5. Ozinga owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

6. On or about October 8, 2014, the Director of the Air and Radiation Division issued an information request under Section 114 of the Act (the Section 114 Request) to Ozinga. Exhibit 1 of this Order is a copy of the Section 114 Request.

7. The Section 114 Request required Ozinga to produce to EPA specified information regarding the Facility within thirty calendar days of its receipt of the request.

8. Ozinga received the Section 114 Request on or about October 20, 2014.

9. An EPA engineer, Ms. Jennifer Wilson, called Mr. Lloyd Meyer, President of Ozinga's Chicago Division on his cell phone, on December 29, 2014, to ask Mr. Meyer if he received EPA's Section 114 request. Mr. Meyer claimed he had not seen the request, but would review it the week after he returned from vacation.

10. Ms. Wilson sent Mr. Meyer an e-mail on December 29, 2014 acknowledging the conversation she had earlier in the day with Mr. Meyer and telling him he could e-mail an electronic version of the response to her, but he also had to mail a hard copy with the required certification as requested in the directions.

11. Ms. Wilson sent Mr. Meyer another e-mail on December 30, 2014 instructing Mr. Meyer to, "...please send a written request explaining why Ozinga failed to timely respond to the information request. EPA will then take this request for an extension under consideration. We also suggest that you submit Ozinga's response to the information request as quickly as possible." A scanned version of the request was attached to the e-mail.

12. On Wednesday, January 7, 2015, Mr. Meyer responded to Ms. Wilson's December 29, 2014 e-mail stating, "...I finally tracked down the information request. I've tasked all the appropriate people to get the answers to me ASAP, and I will produce the information as requested in the Appendix. ..."

13. On January 30, 2015, Ms. Wilson sent Mr. Meyer another e-mail asking him if Ozinga is still responding to the information request and when the response will be submitted. Mr. Meyer has not responded to that e-mail.

14. EPA has not received a response to the Section 114 Request from Ozinga.

15. Ozinga violated Section 114(a)(1) of the Act by failing to provide any response to the Section 114 Request.

#### **Compliance Program**

16. Ozinga must comply with all requirements of the Section 114 Request. Specifically, Ozinga must produce the information specified in the Section 114 Request within twenty (20) days of this Order's effective date.

17. Ozinga must send all information required by this Order to:

Jennifer Wilson  
Air and Radiation Division  
U.S. Environmental Protection Agency  
Mail Code AE-17J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

**Effective Date and Opportunity to Confer**

18. Within ten (10) days after receipt of this Order, Ozinga may request an informal conference with EPA. Any such conference shall be held within fifteen (15) calendar days from the date of the request, unless extended by agreement of the Parties. At any conference held pursuant to the request, Ozinga may appear in person, participate by telephone or be represented by an attorney or other representative. If a conference is held, Ozinga may present any information, arguments or comments regarding this Order. This conference is not a formal evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Ozinga a right to seek review of this Order. To request an informal conference, Ozinga should contact Ms. Jennifer Wilson, EPA Region 5 Air Enforcement Branch, at (312) 353-3115 or Ozinga's attorney may contact Mr. Michael Berman, EPA Region 5 Office of Regional Counsel, at (312) 886-6837.

19. Regardless of whether a conference is requested, Ozinga may submit to EPA in writing via certified mail any relevant information, arguments or comments, and such information must be received by EPA within ten (10) calendar days of Ozinga's receipt of this Order, unless extended by agreement of the Parties.

20. Unless Ozinga requests a conference or submits information pursuant to this Section of this Order, this Order is effective ten (10) calendar days after its receipt by Respondent. If Respondent requests an informal conference or submits written information

pursuant to this Section, this Order will become effective ten (10) days after the informal conference or EPA's receipt of written submittals, whichever is later unless, based on information Ozinga presents, EPA withdraws or modifies this Order. If EPA modifies this Order based on information Ozinga presents, the Order, as modified, is effective upon Ozinga's receipt of it.

### **General Provisions**

21. This Order is not a permit, and does not waive, modify or otherwise affect Ozinga's ongoing responsibility to comply with other local, state and federal ordinances, permits, licenses, laws, and regulations.

22. This Order does not restrict EPA's authority to enforce Sections 113 and 114 of the Act, or any other section of the Act.

23. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Ozinga's failure to comply with the Section 114 Request.

24. Failure to comply with this Order may subject Ozinga to penalties of up to \$37,500 per day for each violation under Section 113(d) of the Act, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19. The Act also authorizes the Administrator of EPA to commence a civil action for a temporary or permanent injunction and to recover a civil penalty for violations of permits issued under the Act or other specified provisions of the Act, 42 U.S.C. § 7413(b). The Act further provides for criminal penalties for knowing violations of specified provisions of the Act, 42 U.S.C. § 7413(c).

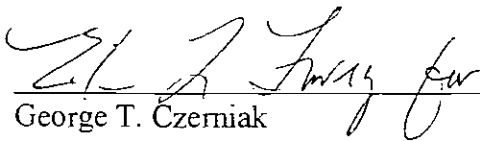
25. EPA may use any information submitted under this Order in an administrative, civil, or criminal action.

26. The terms of this Order are binding on Ozinga, its assignees and successors. Ozinga must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that Ozinga has given the notice.

27. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please provide your response to this Order without staples. Paper clips and binder clips are acceptable.

**In the Matter of:**  
**Ozinga Ready Mix Concrete, Inc.**  
**Administrative Order Under**  
**Clean Air Act Sections 113(a)(3) and**  
**114(a)**

3/31/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

**CERTIFICATE OF MAILING**

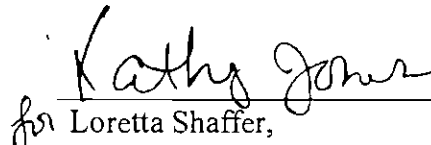
I, Loretta Shaffer, certify that I sent the Administrative Order, EPA-5-15-113(a)-IL-11, by certified mail, return receipt requested, to:

Ozinga Ready Mix Concrete, Inc.  
Attn: Lloyd Meyer, President  
2255 South Lumber Street  
Chicago, IL 60616

I also certify that I sent a copy of the Administrative Order, EPA-5-15-113(a)-IL-11, by first-class mail to:

Eric Jones,  
Manager, Compliance Unit  
Bureau of Air  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

on the 31<sup>st</sup> day of March, 2015.

  
for Loretta Shaffer,  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 5302



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Ozinga Ready Mix Concrete, Inc.  
2255 South Lumber Street  
Chicago, IL 60616**

**ATTENTION:**

**Lloyd Meyer  
President, Chicago Division**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Ozinga Ready Mix Concrete, Inc. (Ozinga) to submit certain information about the facility at 2255 South Lumber Street Chicago, IL 60616. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Ozinga owns and operates an emission source at 2255 South Lumber Street in Chicago, Illinois, 60616 (the Facility). We are requesting this information to determine whether your emission source is complying with the Illinois State Implementation Plan.

Ozinga must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Ozinga must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

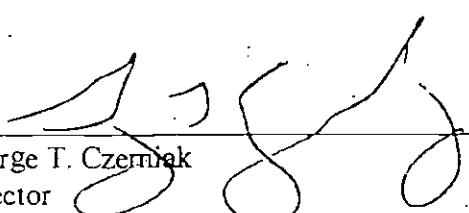
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Ozinga to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Jennifer Wilson at 312-353-3115.

Date

10/8/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Illinois State Implementation Plan.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

Ozinga Ready Mix Concrete, Inc. (Ozinga or you) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), about its concrete plant (the Facility) at 2255 South Lumber Street, Chicago, Illinois, 60616.

1. Please provide the current operating permit for the Facility and all construction or operating permits for sources of air pollution issued to the Facility since January 1, 2008.
2. Please provide a copy of your current Operating Program as required by 35 Ill. Admin. Code §§ 212.309, 212.310, and 212.312. If your Operating Program has changed recently, please provide the previous one as well.
3. Please list the materials that are used to make the concrete that you sell in the mixing trucks.
4. Please identify all of the piles of materials at the Facility, the location of the piles, and the contents of the piles. Please identify the location using a plan view map.
5. Are all of the piles of materials described in Question number 4 watered? Please explain which ones are and which ones are not.
6. For the piles that are watered, please explain how they are watered and how often they are watered.
7. Do you have a sprinkler system for watering the roads or piles of materials? If yes, how does the Facility decide when and how often to use it? If no, do you have another method of watering the roads or piles of materials? If you have another system please describe the system, when it is used, and how often it is used.
8. If the Facility has records of watering the roads or the piles of materials, please provide them for the last two years.
9. Please provide copies of the originals of all records that were required to be retained by the permits responsive to Question number 1 of this request for the last three years (from June 1, 2011 to the present). For example, if the permit requires the Facility to keep receipts of fly ash, please provide them.

10. Please provide a list of all liquid chemicals stored onsite in quantities of at least 1000 gallons. Please include the following information about each chemical:
  - a. MSDS for the chemical;
  - b. explain what each compound is used for at the Facility and the purpose of the compound, for example, the compound is used in concrete in the winter because it accelerates the setting time;
  - c. any VOC and HAP emissions with supporting calculations in lbs/day, tons/month, and tons/year that come from the chemicals;
  - d. calculations of any other air pollutants that come from the compounds in lbs/day, tons/month, and tons/year;
  - e. the amount of the compound purchased in gallons/month and gallons/year since June 1, 2011; and
  - f. the amount of the compound used in gallons/month and gallons/year since June 1, 2011.
11. Please explain the following about the chemicals listed in number 14:
  - a. The quantity of the chemicals usually stored onsite,
  - b. the type of storage (fixed roof tank, drum, etc.),
  - c. the amount of chemical the storage can hold,
  - d. if the storage has any release valves or other appurtenances that chemicals can be emitted from,
  - e. the method by which chemicals are put into the storage container, and
  - f. the method by which chemicals are emptied from the storage container.
12. What is the legal name of the company that owns and operates the Facility at 2255 South Lumber Street, Chicago, IL, 60616 and in what state is it incorporated? If there are different owners and operators of the Facility, provide this information for each owner and each operator. Please verify that the address of the Facility that Ozinga refers to as the "Chinatown yard" is 2255 South Lumber Street, Chicago, IL, 60616.

## Appendix C

### Confidential Business and Personal Privacy Information

#### Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.



## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

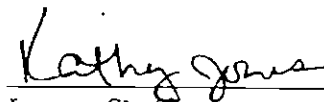
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Lloyd Meyer, President Chicago Division,  
Ozinga Ready Mix Concrete, Inc.  
2255 South Lumber Street  
Chicago, IL 60616

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Eric Jones,  
Manager, Compliance Unit  
Bureau of Air  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

On the 8 day of October 2014.



Loretta Shaffer  
Administrative Program Assistant  
AECAB, Planning and Administration

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2639 2819



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 26 2015

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

**SUBJECT:** Recommendation to Issue an Administrative Compliance Order to Chromium, Inc., Racine, Wisconsin

**FROM:** Sara Breneman *SB*  
Chief  
Air Enforcement and Compliance Assurance Branch

**TO:** George T. Czerniak  
Director  
Air and Radiation Division

By this memorandum, I am recommending issuance of an Administrative Consent Order (ACO) under the Clean Air Act to Chromium, Inc. (Chromium), at 1930 Roosevelt Road, Racine, Wisconsin. The ACO requires Chromium to comply with the National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. Part 63, Subpart N (Subpart N); and the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWWWW (Subpart 6W).

Chromium owns and operates a plating facility where it conducts industrial hard-chromium electroplating. The facility has two hexavalent chromium tanks that are subject to Subpart N and a dry mechanical polisher that Chromium uses to polish chromium-plated parts and that is subject to Subpart 6W. On August 19, 2014, EPA issued to Chromium a Finding of Violation alleging that it failed to 1) operate and maintain its hard chromium-electroplating tanks and composite mesh-pad systems equipped on these tanks in a manner consistent with good air pollution control practices; 2) either conduct an initial performance test of its composite mesh-pad systems and monitor and record the established pressure drop across the systems or monitor and record the surface tension of the tank baths; and 3) submit the Initial Notification and Notification of Compliance Status and prepare annual certification of compliance reports for its dry mechanical polisher as required by Subpart 6W. EPA discovered these violations on an inspection it conducted of the facility on November 4, 2013, and through Chromium's response to a February 26, 2014, information request.

To come into compliance, Chromium will conduct performance tests to 1) measure chromium emitted to the atmosphere from the composite mesh-pad systems on its hard chromium-electroplating tanks to confirm compliance with the applicable emission limit in Subpart N; and 2) establish as a site-specific operating parameter the pressure drop across each system, setting the value that corresponds to compliance with the emission limit. Shortly after the parties met to

discuss the alleged violations, Chromium had submitted to EPA an Initial Notification and Notification of Compliance Status report and annual certifications of compliance reports for 2010-2013 in accordance with Subpart 6W for its dry mechanical polisher.

For the above reasons, I recommend that you sign the attached ACO.

State Representative Contacted: Bill Baumann and Dan Schramm

Date: 3/25/15

By: Sarah Marshall

Attachments